

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

Department of Public Health

Petition No. 2001-1218-010-074

vs.

Martha Lanoue, R.N., Lic. No.R27532
Respondent

MEMORANDUM OF DECISION

Procedural Background

The Board of Examiners for Nursing (hereinafter "the Board") was presented by the Department of Public Health (hereinafter "the Department") with a Statement of Charges and Motion for Summary Suspension dated January 10, 2002. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Martha Lanoue (hereinafter "respondent") which would subject respondent's registered nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that respondent's continued nursing practice presented a clear and immediate danger to public health and safety. On January 16, 2002, the Board ordered, pursuant to its authority under §4-182(c) and §19a-17(c) of the General Statutes of Connecticut, that respondent's registered nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 1.

The Board issued a Notice of Hearing dated January 16, 2002, scheduling a hearing for February 6, 2002. Dept. Exh. 1.

Respondent was provided notice of the hearing and the charges against her.

The hearing took place on February 6, 2002, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was present during the hearing but was not represented by counsel. Transcript, February 6, 2002, p. 12.

Respondent submitted a written Answer to the Statement of Charges. Resp. Exh. A

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

Findings of Fact

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent was issued registered nurse license number R27532 on July 16, 1975. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh.1-C; Resp. Exh. A.
2. Pursuant to a Memorandum of Decision dated January 22, 1997, respondent's registered nurse license was placed on probation for a period of three (3) years effective February 1, 1997. The Order was based on the Board's findings that respondent used and abused the controlled substance Percocet which she diverted from St. Mary's Hospital, Waterbury, Connecticut during 1994 and 1995; that respondent falsified controlled substance records; and that respondent excessively used and abused alcohol. Dept. Exh. 1-A5.
3. On February 3, 2000, the Board of issued a Memorandum of Decision in Petition Number 990331-010-026 (hereinafter "the 2000 Order") that placed respondent's registered nurse license on probation for a period of two years beyond the three-year probation ordered by the Board's January 22, 1997 Memorandum of Decision. The probationary period was extended based upon respondent's failure to comply with the terms of the 1997 Memorandum of Decision. Dept. Exh. 1-A-4 - A-13.
4. The 2000 Order, specifically provided that respondent shall not obtain for personal use and/or use any drug that has not been prescribed to her, for a legitimate purpose, by a licensed healthcare practitioner authorized to prescribe medications. Dept. Exh. 1-A-4 - A-13; Resp. Exh. A.
5. At all relevant times, respondent was employed as a registered nurse at St. Mary's Hospital, Waterbury, Connecticut. Dept. Exh. 1-C; Resp. Exh. A.
6. On or about August of 2001 to November of 2001, while working as a registered nurse at St. Mary's Hospital, Waterbury, Connecticut, respondent diverted for her own personal use the controlled substance Percocet. Dept. Exh.1-C; Resp. Exh. A.
7. In or about August of 2001 to November 2001, respondent abused or excessively used the controlled substance Percocet. Dept. Exh.1-C; Resp. Exh. A.
8. Respondent's abuse of Percocet does and/or may, affect her practice as a registered nurse. Dept. Exh. 1.

Conclusions of Law and Discussion

In consideration of the above Findings of Fact, the following conclusions are rendered:

Martha Lanoue, held a valid registered nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by *Conn. Gen. Stat.* §4-177(a) and (b), and §4-182(c). The hearing was held in accordance with *Conn. Gen. Stat.* Chapters 54 and 368a as well as §19a-9-1 through §19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges, and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of his license as required by *Conn. Gen. Stat.* §4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

The General Statutes of Connecticut §20-99 provides in relevant part:

(a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17 . . . (b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following . . . (2) illegal conduct, incompetence or negligence in performing usual nursing functions . . . (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals . . .

The **FIRST COUNT PARAGRAPH 3** of the Statement of Charges alleges that between approximately August of 2001 and November of 2001, while working as a registered nurse at St. Mary's Hospital, Waterbury, Connecticut, respondent diverted Percocet.

Respondent admits this charge. Resp. Exh. A.

The **FIRST COUNT PARAGRAPH 4** of the Statement of Charges alleges that on or about August 2001 to November 2001, respondent abused or utilized to excess the controlled substance Percocet.

Respondent admits this charge. Resp. Exh. A.

The **FIRST COUNT PARAGRAPH 5** of the Statement of Charges alleges that respondent's abuse of Percocet does, and/or may, affect her practice as a registered nurse.

Respondent denies this charge. Resp. Exh. A.

Based on its findings and respondent's admission, the Board concludes that respondent's conduct as alleged in the First Count of the Statement of Charges is proven by the preponderance of the evidence. The Board further concludes that said conduct constitutes grounds for disciplinary action pursuant to *Conn. Gen. Stat.* §20-99(b)(2) and (5).

The **SECOND COUNT PARAGRAPH 9** of the Statement of Charges alleges that pursuant to a Memorandum of Decision dated February 3, 2000, respondent shall not obtain for personal use and/or use any drug that has not been prescribed for her, for a legitimate purpose, by a licensed healthcare practitioner authorized to prescribe medications.

Respondent admits this charge. Answer: Resp. Exh. A.

The **SECOND COUNT PARAGRAPH 10** of the Statement of Charges alleges that respondent's diversion and abuse of Percocet, as specified in the First Count, constitutes violations of the terms of probation as set forth in the Memorandum of Decision dated February 3, 2000.

Respondent admits this charge. Answer: Resp. Exh. A.

Based on its findings and respondent's admission, the Board concludes that the respondent's conduct as alleged in the Second Count of the Statement of Charges is proven by a preponderance of the evidence. The Board further concludes that said conduct constitutes grounds for disciplinary action pursuant to *Conn. Gen. Stat.* §19a-17.

Order

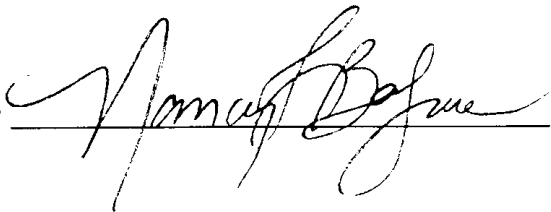
Pursuant to its authority under *Conn. Gen. Stat.* §19a-17 and §20-99, the Board of Examiners for Nursing hereby orders the following:

1. That for the First Count of the Statement of Charges, respondent's registered nurse license, number R27532, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.
2. That for the Second Count of the Statement of Charges, respondent's registered nurse license, number R27532, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs respondent, Martha Lanoue, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 5th day of June 2002.

BOARD OF EXAMINERS FOR NURSING

By 

martha lanoue.doc